

Real Estate Management Section

John M. Withers, Chief

The Real Estate Management Section serves the Division and the State in many capacities. Two primary responsibilities are the supervision and administration of the Division's land acquisition and real estate title documents program, and the administration of the Public Land Corporation. These main functions involve the acquisition, exchange, transfer or disposal of land and improvements. They include organizing and archiving of the real estate title documents for the Division and many other state agencies, and the everyday administration of the real estate title once lands are acquired.

Land Acquisition

The acquisition function is accomplished by purchase, lease, condemnation, donations, bequests and exchanges. It involves various procedures such as the collection of legal data from county courthouse records, negotiations with property owners to obtain leases and/or options to purchase, detailed physical inspections of all types of real estate, the preparation of analytical narrative appraisal reports of fair market value, the holding of public hearings, and the preparation of various real estate title documents and real estate quantitative and status reports.

The Real Estate Management Section is responsible for procedures dealing with the preparation, execution, and the recordation of legal documents such as deeds, leases, license agreements, rights-of-way, joint interagency agreements, easements, and land purchase invoices. It also prepares numerous other types of documents for state and federal agencies, including permits, applications, agreements, and contracts. This Section maintains a close liaison with the attorneys assigned by the State Attorney General's Office to office projects such as land acquisitions, court cases, and other required legal work. This Section also handles all contract boundary survey work, contract fee appraisal work, and contract consultants for engineering, oil, gas and coal. The primary land acquisition program and the real estate related activities are conducted on behalf of the West Virginia Bureau of Commerce, the Parks and Recreation and Wildlife Resources Sections of the Division of Natural Resources, and for the Division of Forestry. In addition, many other state, county and local governments are provided real estate services through the Public Land Corporation.

Public Land Corporation

The Public Land Corporation holds for the State the title to the beds of the state's rivers, creeks and streams to-

taling some 34,000 miles or some 5,000 named waterways in the state. In the past year, 445 right-of-entry letters were granted to governmental agencies, companies and/or individuals to conduct construction activities in the state's rivers, creeks, and streams. A total of 358 right-of-way licenses were granted for pipelines, underground or underwater cables, and overhead power and telephone lines crossing the state's waterways. Additionally, 93 large stream structure agreements were granted for bridges and culverts in the state's streams.

Other Functions

This Section is responsible for the maintenance of the Insurance Risk Management Program as it pertains to this Division's real estate holdings. This program includes an up-to-date record of some 1,400 structures for insurance coverage of each building or structure owned by the Division. Of these 1,400 buildings and structures, some 320 have an insured value of \$100,000 or more each.

This Section is also responsible for the up-to-date inventory of all lands owned or leased by the WV Bureau of Commerce, Division of Natural Resources, and the Public Land Corporation. At the end of this fiscal year, the Division of Natural Resources owned or long-term leased and operated 509,565 acres of land with partial mineral rights and held title to 34,000 miles of the State's river and creek beds. Division of Natural Resources lands are broken down into 290,096 acres owned and 219,496 acres leased. This acreage encompasses some 327 separate areas such as: wildlife management areas, public access sites, wetlands, and state park and forest lands. These lands provide recreation and are of great natural and/or historical significance and are managed for the use and benefit of the citizens of West Virginia and its visitors.

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PROPERTIES ACQUIRED

	Acreage
Blackwater Falls State Park	
WV Power & Transmission	107.00
WV Power & Transmission	139.00
Buffalo Run WMA	
John Starkey	75.02
Edray Trout Hatchery	
Mary Barlow	60.28
Gauley Run PAS	
Greenvalley Coal	1.06
Lost River WMA	
B. K. Haynes	51.64
Mountain Valley Lake PAS	
Jumping Branch-Nimitz PSD	47.47
Panther State Forest WMA	
Estel Stacy etal	50.00
Shannondale Springs WMA	
McB Associates	1.00
Sleepy Creek WMA	
Potomac Valley Properties	24.00
Potomac Valley Properties	4.20
Manuel DeHaven294
Summersville Lake WMA	
One Gateway Associates	0.925
Underwood WMA	
Ethel Sturm Gluff (minerals only)*	96.00
Tomlinson Run State Park	
Virginia Marshall Estate (Minerals Only)*	252.00
Wallback WMA	
Maud Sutton	328.00

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LAND LICENSED OR LEASED TO DNR

	Acreage
Andrew Rowan Farm WMA	
Department of Agriculture	650.00
Big Ugly WMA	
Heartwood Forestland Fund III, L.P.	5,300.00**
Briery Mountain WMA	
WV Department of Military Affairs & Public Safety	1,162.00**
Bruceton Mills PAS	
Town of Bruceton Mills	3.206
Bullskin Run SBPA	
Avonwood	1.08**
Hughes River WMA	
Heartwood Forestland IV, L.P.	10,000.00**
Oil Fields PAS	
Division of Highways	1.00
Rocky Marsh Run SBPA	
Cooper McQuilkin0.80
Romney Bridge PAS	
Magdalene Williams Star etal	0.459
Second Creek FFA	
Rockwell P. Ward	0.21
Fred D. Rodgers etal	1.607
Tieche Angus Farm	1.0
Spring Field WMA	
Mead/Westvaco Corporation	6,711.00
Town of Glasgow PAS	
Town of Glasgow	1.08

* Not included in net increase totals

** Renewals not included in summary of new acreages

*** Acreage not included in summary of new acreages

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	Acreage
16 parcels acquired	567.59
1 releases; reverts; exchanges or transfers	11.60
14 parcels licensed or leased	654.20
1 sales	142.93
2 minerals only (no surface)	<u>348.00</u>
Net increase for FY 2002-2003	<u>1,067.26</u>

OPTIONS TO PURCHASE OBTAINED

	Acreage
Buffalo Run WMA	
John Starkey	75.02
Edray Trout Hatchery	
Mary Barlow	60.28
Good Hope PAS	
William Powell	0.70
Lost River WMA	
B. K. Haynes.	51.64
McClintic Wildlife Station	
Old Farm, LLC.	513.72
Nathaniel Mountain WMA	
Mead/Westvaco Corporation.	1,800.00
Panther State Forest	
Estel Stacy	50.00
Underwood WMA	
Neil Brown	24.625
Ethel Sturm Gluff Heirs (Minerals Only)*	96.00

PARCELS IN PROCESS OF ACQUISITION

	Acreage
Fort Springs PAS	
Edward McCarty	0.073

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Gilmer County WMA

Eastern Associated Coal Corp. 918.00

Good Hope PAS

William C. Powell 0.70

Hook Mill PAS

Clyde Brill 1.00

McClintic Wildlife Station

Old Farm, LLC.. 513.72

Monongalia County WMA

Consolidated Coal Co. 765.84

Nathaniel Mountain WMA

Mead/Westvaco Corp. 1,800.00

Underwood WMA

Neil A. Brown..... 24.63

PARCELS IN PROCESS OF ACQUISITION: 8

TOTAL ACREAGE: 4,023.963

PARCELS INVESTIGATED

No. of Parcels	Acreage
17 Wildlife Management (hunting)	281,171.00
15 Wildlife Management (fishing)	1,975.00
1 Wildlife Management (wetland)	3.00
3 Parks.	506.00
1 Forests.	50.00
13 Public Access Sites.	<u>60.00</u>
49 Parcels Investigated	<u>283,765.00</u>

Real Estate Management Section

Engineering and Survey Consultants

The Section prepared and processed the required agreements and purchasing forms for engineering and survey services on eight (8) projects. These projects included boundary surveys, drafting/mapping, mineral analysis and other related services.

Appraisals

The staff appraiser completed market analyses and/or appraisals on three (3) tracts of land and completed four (4) appraisal reviews. The staff appraiser also prepared and processed short-term consultant services agreements for the appraisal of one (1) tract of land by independent fee appraisers as consultants.

Property Management

The Real Estate Management Section prepared and processed, through various stages of completion, 67 documents relating to the use of the Division of Natural Resources' real estate holdings. These documents included lease agreements, license agreements, easements, mitigation agreements, and amendments and supplements to other existing agreements. Land rights covered by these agreements included road rights-of-way, power line, cable line, water line, sewage line, and gas and oil line rights-of-way. The processing of these agreements required close communication with various field and central office personnel with various other sections of the Division of Natural Resources and with the Bureau of Commerce, Division of Agriculture, Division of Tourism, Division of Forestry, and other state, county and local governmental offices.

PUBLIC LAND CORPORATION

The main function of the Public Land Corporation is to hold title to the beds of the navigable/floatable streams within the State of West Virginia, and, therefore, to exercise control over the following activities involving these real estate resources:

- Dredging and/or pumping of sand, gravel, and derelict coal from the beds of the navigable/floatable streams in the state.
- Leasing areas of the beds and under the beds of the navigable/floatable streams for the purpose of exploring for oil, gas, and other minerals.
- Utilizing the beds of the navigable/floatable streams for the purpose of crossing or placing in the streams pipelines, fords, submarine cables, culverts, bridges, low water bridges, dams, dikes, commercial docking, loading and mooring facilities, recreational marinas and other structures.

- The Public Land Corporation also holds title to all state lands to which the title is not specifically by law vested in any other state agency, institution, or department.

During FY 2003, the various types of in-stream construction activities that were approved were channel changes, bridge construction, culvert construction, gravel removal, ford preparation, stream bank protection, water impoundments, fills, and pipeline construction.

During FY 2003, right-of-way or license agreements were issued for gas, water and sewer pipelines, underground and overhead telephone, power and fiber optic cables and loading, docking and mooring agreements.

Licensed commercial sand, gravel and coal dredging and/or pumping operations produced 359,500 tons of sand and gravel and 21,055 tons of coal from the beds of the navigable/floatable streams in 2002-2003, as reflected in the following table:

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2002-2003 Commercial Dredgers Report

Total Tonnage Used

Company	River/Creek	Type	Tons
Mingo Coal & Coke, Inc.	Big Sandy River	Coal	10,688
May Associated Companies, LLC	Kanawha River	Coal	10,367
Sharrel Brown	Huff Creek	Sand & Gravel	240
Martin Marietta	Ohio River	Sand & Gravel	358,725
O. M. Perry	Guyandotte River	Sand & Gravel	535

Public Hearings Held

- (1) Held a public hearing on the competitive bid sale of the former Point Pleasant State Police Detachment in Mason County, West Virginia, for and on behalf of the West Virginia State Police.
- (2) Held a public hearing on the exchange of property between the State Geological Survey and an adjacent landowner at the former Mont Chateau State Park in Morgantown, West Virginia.
- (3) Held a public hearing on the transfer of a 9.5-acre parcel of land located at Barboursville, Cabell County, West Virginia, from the Department of Agriculture to the Department of Health and Human Resources.
- (4) Held a public hearing on the transfer of 47 acres, m/l, on U.S. 21, Charleston, Kanawha County, West Virginia, from the Department of Health and Human Resources to the Department of Agriculture.

Public Land Corporation Land Sales/Transfers

- (1) Sold by competitive bid a 147-acre parcel of land located on Tribble Road, Mason County, West Virginia, for and on behalf of the West Virginia State Police.